REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application. The amendments above are made relative to the claims as pending after entry of the amendments in the first Response to Office Action, in view of the non-entry of the amendments in the Response to Final Office Action as noted in the Advisory Action.

Applicant traverses the rejection under Section 103(a) as to the claims as amended for at least the following reasons. The amendments above further clarify that the holder is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the guide surface and the leg of the staple when the leg is guided along the guide surface, and recite the structural limitation of at least one biasing member, for biasing the holder in the clincher unit, wherein the holder is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the guide surface and the staple leg, against the biasing force of the biasing member.

It is respectfully submitted that the cited references do not disclose, suggest, nor render obvious the biasing member of claim 1 herein.

It is submitted that the *Akizawa* reference, cited in the final Office action, seems to disclose some basic features in claim 1, except for a defining, novel feature of the invention, namely the ***holder is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the guide surface and the leg of the staple when the***

leg is guided along the guide surface. In the final action, the Examiner cites the *Scheuten* reference for the first time. The Examiner finds that the *Scheuten* reference discloses "...a moveable clincher holder (24) in clincher unit (3), and capable of being moved through press contact between guide surface and the leg of a staple when staple leg is guided along the guide surface." (Final Office action, p. 2). Applicant submits that this finding is based on a misunderstanding of the contents of the *Scheuten* reference, and that *Scheuten* does not disclose the characteristic feature of the invention, for the following reasons:

(1) THE SCHEUTEN REFERENCE

As disclosed in *Scheuten* at column 4, lines 15 to 28, and best shown in Fig. 1, a holder 24 is structured to move downwardly toward a sheet stack 35 on a collecting station 36 ***forcibly*** by the rotation of a control cam 12, which moves first slider 5 and its arms 5a and 5b. The holder 24 also is ***forcibly*** moved upwardly by this mechanism, in a direction in which a staple is driven out (in the direction of arrow "C"), away from the sheet stack 35 (these holder 24 movement directions hereinafter collectively referred to as "vertical directions").

The movement of the holder 24 in *Scheuten* is restricted only to these vertical directions. The holder 24 of *Scheuten* is not moveable in lateral directions, due to its structure wherein the first slider 5 is vertically guided by guide means 15, 16, and wherein lateral movement of the first slider 5 is prohibited by the engagement between arms 5c, 5d and guide means 20, 21, as shown in Fig. 1.

In *Scheuten*, the holder 24 ***does not move through press contact between any guide surface and staple leg;*** the holder 24 moves due to force applied by the first slider 5 and its arms 5a and 5b, impelled by rotation of control cam 12.

Further, *Scheuten* provides convex curvatures 30c, 31c on the sliding surface of the ***bending elements 30, 31***, not on the ***holder*** as in the instant invention. The convex curvatures 30c, 31c slightly bend the ends of the staple 34, slightly inwardly toward each other.

(2) THE INSTANT INVENTION.

The biasing member of claim 1 herein is neither disclosed in nor suggested by the cited references.

Also, in the instant invention, the holder 130 is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the holder's guide surfaces 131b, 132b and the leg Sl of the staple. As described in the specification, particularly at p. 7, line 13 to p. 8, line 10, and best shown in Fig. 3, press contact between the guide surfaces 131b, 132b and the staple leg Sl causes the holder 130 to move in non-vertical directions relative to the clincher unit box 111. In the particular example shown in Fig. 3, the staple leg Sl, moving downwardly, contacts guide surface 131b, and the press contact between them causes rightward movement of holder 130, which is movably held within clincher unit box 111.

Thereby, the holder 130 moves so as to properly direct the leg Sl of the staple onto the clincher (or more specifically, onto center locations P1, P2 of clinching surfaces 133A, 134A as shown in Fig. 4) to correct any positional deviation between the leg Sl of the staple and the clincher, so that defective clinching and buckling of legs of the staple are prevented. The biasing member 137 biases the holder 130 in the clincher unit such that the holder 130 is movable relative to the clincher unit in response to press contact between guide surface 131b and the staple leg, against the biasing force of the biasing member as the leg is guided along the guide surface.

Consider the pressing forces generated when legs Sl of a driven-out staple contact with and press the guide surfaces 131b, 132b of the holder 130. Such a pressing force of the leg to the guide surface can be divided into a "first force component" which goes along the inclined guide surface and a "second force component" in a direction perpendicular to the pressing direction of the legs. According to the present invention, the latter (the second force component in a perpendicular direction to the pressing direction) moves the holder 130 ***relative to*** the clincher unit ***in response to press contact*** between the guide surface and the leg of the staple when the leg is guided along the guide surface.

Please note also that the guide surfaces 131b, 132b are formed on the ***holder*** in the present invention, not on the ***clinching surface of the clincher (bending element)*** as in the *Scheuten* reference.

Conclusion. It is respectfully submitted that the rejection thus should be withdrawn; that the application is in condition for prompt allowance; and that all of the objections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

Extension Request and Fee Authorization. Enclosed is our firm's check for $1,240.00 covering the RCE fee under 37 CFR §1.17(e) and the extension of time fee under 37 CFR §1.17(a)(2) for a two month extension of time under 37 CFR §1.136(a), hereby requested, for filing this communication. The Commissioner is hereby authorized to charge any additional required fees or to credit any overpayment associated with this communication to the Deposit Account No. 50-0305 of Chapman and Cutler LLP, including fees for any necessary extension of time under 37 CFR §1.136 for filing this communication, such extension being hereby requested.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Respectfully submitted,

By: _____
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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

Patent Application Ser. No.: 10/500,808
Attorney Docket Number: 1715681
Date of Mailing: March 27, 2006

I hereby certify that the attached correspondence, namely: Request for Continued Examination with Amendment and Reply, fee check, return postcard and this certificate of mailing, is being deposited on the date listed above, under 37 C.F.R. § 1.8, with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Signature: Brenda Walton

Typed Name of Person Signing this Certificate: Brenda Walton

March 27, 2006
Date of Signature